

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Luther Brian Marcus,	)	C/A No.: 5:14-cv-04390-DCN-KDW
	)	
	)	
Petitioner,	)	
	)	
v.	)	Report and Recommendation
	)	
	)	
Joseph McFadden,	)	
	)	
Respondent.	)	
	)	

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Petitioner Luther Brian Marcus (“Petitioner”) is a state prisoner who filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on November 14, 2014. On March 23, 2015, Respondent appeared and filed a Return and Motion for Summary Judgment. *See* ECF Nos. 21, 22. As Petitioner is proceeding pro se, the court entered an order on March 23, 2015, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Petitioner of the importance of such motions and of the need for him to file an adequate response. ECF No. 23. Petitioner was specifically advised that if he failed to respond adequately, Respondent’s motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court’s *Roseboro* order, Petitioner failed to respond to Respondent’s Motion for Summary Judgment.

On May 5, 2015, the court ordered Petitioner to advise the court whether he wished to continue with the case and to file a response to the pending Motion for Summary Judgment by June 5, 2015. ECF No. 26. Petitioner filed no response. Therefore, it appears that Petitioner has abandoned his action, and the undersigned recommends this action be

dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.



June 15, 2015  
Florence, South Carolina

Kaymani D. West  
United States Magistrate Judge

**The parties are directed to note the important information in the attached  
“Notice of Right to File Objections to Report and Recommendation.”**